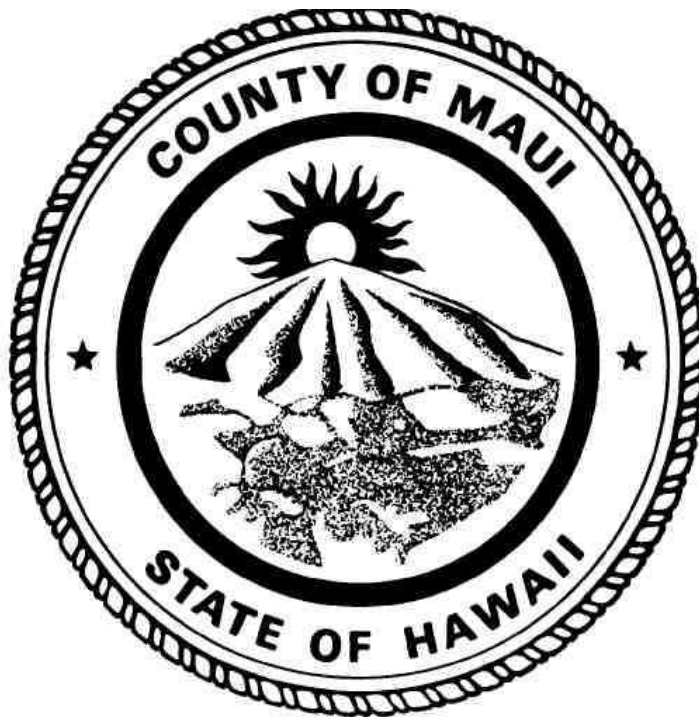


Proposed Budget • Fiscal Year 2007

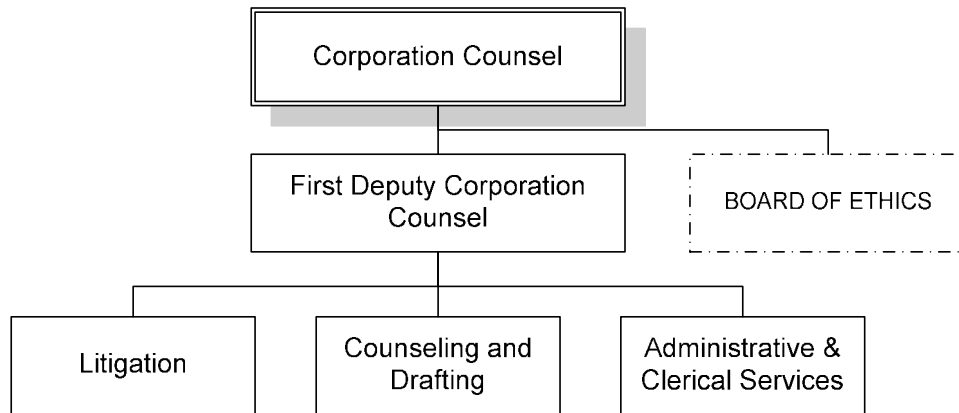
DEPARTMENT OF
Corporation Counsel



DEPARTMENT OF CORPORATION COUNSEL

Department Summary

Organization Chart



Mission Statement

The mission of the Department of Corporation Counsel is to support the County government by providing legal advice and representation that promote the public interest.

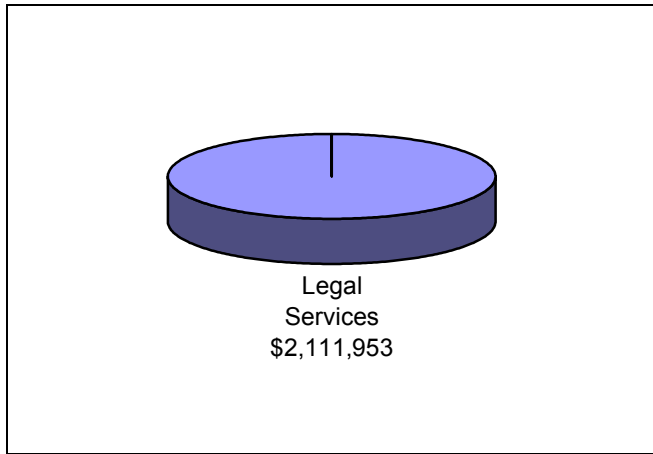
Financial Summary

	FY 2004 Actual	FY 2005 Actual	FY 2006 Budget	FY 2007 Request	Change Amount	% Change
Program Summary						
General Fund						
Legal Services	1,447,569	1,587,680	1,850,784	2,111,953	261,169	14.1%
Subtotal	1,447,569	1,587,680	1,850,784	2,111,953	261,169	14.1%
Total	1,447,569	1,587,680	1,850,784	2,111,953	261,169	14.1%

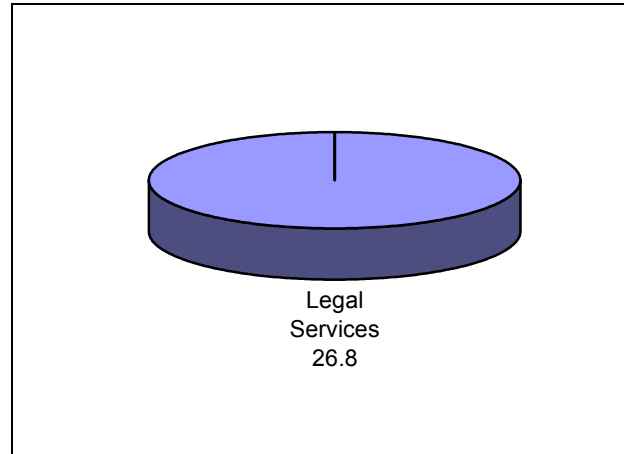
DEPARTMENT OF CORPORATION COUNSEL

Department Summary

FY 2007 Budget by Program



FY 2007 Budgeted Personnel Summary



Equivalent Personnel Position Summary

	FY 2004 Actual	FY 2005 Actual	FY 2006 Budget	FY 2007 Request	Change Amount	% Change
General Fund						
Legal Services	22.3	22.3	24.3	26.8	2.5	10.3%
Subtotal	22.3	22.3	24.3	26.8	2.5	10.3%
Total	22.3	22.3	24.3	26.8	2.5	10.3%

Equivalent Personnel (E/P) = Full-time equivalents of full- and part-time personnel.

Legal Services Program***Program Description***

The Department of the Corporation Counsel serves as legal adviser and legal representative of the County of Maui, of the council, the mayor, all departments, all boards and commissions and of all officers and employees in matters relating to their official duties.

Goals

- Recruit and train new employees for professional and clerical expansion positions
- Obtain modern, efficient office space for department expansion positions
- Develop a trained and knowledgeable department workforce
- Create a cohesive department with good morale and a collegial work environment
- Improve access to, and facilitate use of, public government records
- Improve productivity of attorneys and staff

Objectives for Fiscal Year 2007

- Implement new department procedures and policies for newly separated (Litigation/Counseling and Drafting) Corporation Counsel offices
- Improve timeliness of responses to client requests for services

Performance Measures

	FY05 Actual	FY06 Projection	FY07 Projection
▪ Secure space, equipment and necessary furnishing for new hires	n/a	n/a	1 st Qtr.
▪ Certificate of completion or log of attendance concerning workshops, seminars and conferences (outside professional and teaching organizations or by County resource instructors)	45	80	80
▪ Certificate of completion or log of attendance concerning workshops, seminars and conferences (sponsor attorney-led discussions on topics of interest to department and clients)	0	8	10
▪ Number of monthly meetings	12	18	18
▪ Percentage of monthly attendance	90%	90%	90%
▪ Number of quarterly meetings	2	4	4
▪ Percentage of quarterly attendance	90%	90%	90%
▪ Compilation of workweek reports	52	52	52
▪ Percentage of attorneys submitting required reports	99%	100%	100%

DEPARTMENT OF CORPORATION COUNSEL

Legal Services Program

Performance Measures (Continued)

	FY05 Actual	FY06 Projection	FY07 Projection
Website for Corporation Counsel and Board of Ethics opinions			
▪ Number of archived items and/or files	50	240	300
▪ Number of years of archived material	10	8	9
▪ Hours spent on activity	4.25	50	80
Database for memo bank for all pleadings			
▪ Number of archived items and/or files	0	30	40
▪ Number of years of archived material	0	2	3
▪ Hours spent on activity	0	100	200

Accomplishments for Calendar Year 2005

- The department was successful in obtaining Council approval of an amendment to Section 3.16.020, Maui County Code that increased the settlement authority of the Corporation Counsel and the mayor from \$3,000 to \$7,500. Following passage of the amendment, the department supported another bill to amend Section 3.16.020, Maui County Code, to increase the settlement authority of Corporation Counsel and the mayor with regard to workers' compensation claims
- The department provided legal advice, and helped to negotiate agreements, for the acquisition of real property at Ukumehame (100 acres), Waihee (park), Montana Beach (condominium interest in shoreline property), and Kaunakakai (fire station site). The department drafted and negotiated a lease agreement for a new municipal waste recovery facility in Waikapu. Although not approved by Council, the department also negotiated an agreement for the purchase of a commercial office building in Wailuku (One Main Plaza)
- County prevailed in labor arbitration concerning the Hawaii Firefighters Association contract and standby pay
- County collected \$28,000 from plaintiff in Kaahumanu for attorneys' fees and costs
- Prevailed in Smith v. County of Maui, in which plaintiff alleged violation of constitutional rights
- Settled Sweeney and Lambert lawsuits, involving owners of lots at Palaeua Beach
- Obtained dismissal of state circuit court action filed by National Fuel involving attempted intervention in planned development approval
- Prevailed in Kahaikupuna case. Court ruled that plaintiffs had no protected right to engage in cockfighting
- Settled class action lawsuit, Kaho'ohanohano v. County of Maui, relating to Fair Labor Standards Act claims
- Won judgment in state circuit court in bid protest filed by Maui Auto Wrecking

Legal Services Program***Accomplishments for Calendar Year 2005 (Continued)***

- Obtained dismissal of bid protest filed by Pacific Recycling and Salvage on grounds of untimeliness
- Settled land case involving property appropriated by government in Paia
- Prevailed in Dorn, an appeal filed with the Board of Variances and Appeals by Ocean Recreational Activity Permit holder
- Prevailed in Borge, an appeal taken by dog owner from a decision of Animal Control Board
- Prevailed in three grievances filed by employee regarding failure to select
- Represented County of Maui in interest arbitration with Collective Bargaining Units 2, 3, 4, and 13
- Settled all tax appeals filed with Tax Appeal Court, except for one case which is currently scheduled for trial
- Represented Department of Parks and Recreation and Department of Water Supply before Commission on Water Resource Management with regard to water use applications. All of Parks applications were approved for the amounts requested
- Updated Maui Planning Commission rules regarding appeals from director's decisions
- Revised master lease for Kula Agricultural Park. Helped develop process for review of requests for assignment of leases
- Prevailed in Haake v. County of Maui. Circuit Court affirmed decision of Civil Service Commission that County's policy against dual employment was valid
- Bolstered form and content of findings of fact, conclusions of law, decision and order adopted by the Board of Variances and Appeals
- Bolstered form and content of planning commission Special Management Area permits
- Served as lead employer representative in Hawaii Fire Fighters Association interest arbitration held on Maui
- Reviewed and revised draft revisions to Uniform Fire Code
- Helped reached an agreement in principle with UPW on Phase III automated trash collection
- Produced revisions to Ocean Recreational Activity Permit ordinance
- Produced revisions to County camping ordinance
- Drafted with the Department of Personnel Services, the County policy on all forms of discrimination. Policy incorporates existing policy against sexual harassment
- Drafted administrative rules for the Planning Department regarding farm dwellings
- Drafted administrative rules for the Police Commission regarding procedure and review criteria for requests for legal representation in civil or criminal proceeds
- Reviewed, revised bill amending Chapter 10.80, Maui County Code, pertaining to motor vehicle driver's license

Legal Services Program***Accomplishments for Calendar Year 2005 (Continued)***

- Reviewed, revised bill amending Section 16.26.106, Maui County Code, pertaining to the Uniform Building Code and plan review waivers
- Obtained advisory opinion from the Maui County Board of Ethics regarding participation of department attorneys in pro bono activities
- Planned for the expansion and renovation of Corporation Counsel offices. The department will acquire the Wastewater Reclamation Division offices on the third floor for use by the department's counseling and drafting (i.e., administrative law) section. The department retained an architect to provide design and consulting services for the construction and renovation of the third floor offices as well as the existing ninth floor offices

The office renovation and expansion is a major undertaking that represents the first major investment in department facilities and furnishings in more than two decades. The renovated and expanded offices should provide significant relief from problems associated with overcrowding, antiquated plan, inefficient layout and poor design. This project will allow the department to add additional staff, including another deputy corporation counsel and a law technician. The expansion positions will help the department provide improved and timelier service to clients and needed relief when the office is short-staffed due to vacations, sickness or resignations

The project is comprehensive and requires coordination of efforts with the Department of Management, County's CIP Coordinator and the Purchasing Division. The project entails the preparation of construction drawings and the procurement of construction services and office equipment and furnishings. Completion of design, construction and relocation is anticipated within Fiscal Year 2006. The new clerical and attorney positions are anticipated to be filled prior to the end of Fiscal Year 2006

- The department and its attorneys and staff continue to participate in, and contribute to, various County activities and events, such as the annual employee dinner, charity fund raising events, Keiki ID booth, Maui County Bar Association-sponsored seminars and gatherings, and the annual Municipal Attorneys Training Conference. Department attorneys have been encouraged to participate in pro bono work by the Circuit Court and others
- In FY 2005, the department, for the second year in a row, hired a summer law clerk, providing a law student with the opportunity to experience government service and law practice
- The department has also continued its emphasis on professional training for attorneys, paralegals and clerical staff. During the fiscal year, all department employees were encouraged to enroll in at least one or more seminars, conferences or workshops. The department established a procedure for the review of the cost and appropriateness of all training opportunities and maintains a log of professional training sessions attended. Department personnel also participate in in-house County training sessions sponsored by MIS and the Department of Personnel Services

Major Fiscal Year 2007 Budget Items

- Salaries and wages in the amount of \$1,710,157, which includes expansion positions of 2.5 E/P, Deputy Corporation Counsel, Legal Assistant, and Law Technician I

DEPARTMENT OF CORPORATION COUNSEL

Legal Services Program

Major Fiscal Year 2007 Budget Items (Continued)

- Operational expenses for airfare, transportation in the amount of \$36,000, per diem – non reportable in the amount of \$21,100, publication and subscription in the amount of \$23,800, and registration/training fees in the amount of \$19,300
- Equipment purchases of a replacement vehicle in the amount of \$25,000, furniture and fixtures for expansion positions in the amount of \$3,600, and a new lease for copier machine due to office relocation in the amount of \$14,600

Expenditure Summary

	FY 2004 Actual	FY 2005 Actual	FY 2006 Budget	FY 2007 Request	Change Amount	% Change
General Fund						
Salaries and Wages	1,211,871	1,292,327	1,410,088	1,710,157	300,069	21.3%
Operations	226,503	289,712	329,196	358,596	29,400	8.9%
Equipment	9,195	5,641	111,500	43,200	-68,300	-61.3%
Program Total	1,447,569	1,587,680	1,850,784	2,111,953	261,169	14.1%
Equivalent Personnel						
General Fund	22.3	22.3	24.3	26.8	2.5	10.3%

Equivalent Personnel (E/P) = Full-time equivalents of full- and part-time personnel.

Personnel Position Summary

Position Title	FY 2007	
	Permanent	LTA
Corporation Counsel	1.0	
Deputy Corporation Counsel	12.0	
First Deputy Corporation Counsel	1.0	
Investigator V	1.0	
Law Clerk	0.3	
Law Technician I	6.0	
Law Technician II	1.0	
Legal Assistant	1.5	
Legal Clerk III	1.0	
Private Secretary	1.0	
Supervising Law Technician	1.0	
TOTAL	26.8	0.0

FY 2007 Budget by Expenditure

